

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
NO. 3:05CR297-FDW

UNITED STATES OF AMERICA

Plaintiff,

v.

DONNELL ALEXANDER TAYLOR,

Defendant.

ORDER

Defendant Donnell Alexander Taylor has filed a Motion for Reduction of Sentence (Doc. No. 76). While Defendant has filed this motion in his original criminal case as captioned-above, his motion is effectively a motion filed pursuant to 28 U.S.C. § 2255. Defendant has previously filed two separate civil actions which this Court has deemed as section 2255 motions (see 3:12-cv-549 and 3:09-cv-89). Defendant failed to prevail in either of those earlier 2255 motions.

Furthermore, Defendant has not shown to the Court that he has obtained a certificate of appealability from the United States Court of Appeals for the Fourth Circuit to file a successive section 2255 motion.

Therefore, this motion is DISMISSED as both a successive section 2255 motion and because Defendant has not obtained the necessary authorization from the Fourth Circuit to file the motion.

Finally, this Court declines to issue a certificate of appealability because Defendant has failed to make a substantial showing of a denial of a constitutional right.

IT IS SO ORDERED.

Signed: August 5, 2014



Frank D. Whitney
Chief United States District Judge

